

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE WAVE STUDIO, LLC,

Plaintiff,

v.

TRIVAGO N.V., TRIVAGO SERVICES US, LLC,
TRIP.COM GROUP LIMITED, TRIP.COM
TRAVEL SINGAPORE PTE. LTD.,
SKYSCANNER LTD., MAKEMYTRIP INDIA
PVT. LTD., MAKEMYTRIP.COM, INC.

Defendants.

Case No. 7:23-cv-03586-NSR

SUPPLEMENTAL DECLARATION
OF LEE KAR YIN

I, Lee Kar Yin, declare:

1. I write to supplement my Declaration with further evidence of the scope of the trivago Defendants' infringement of The Wave Studio LLC's copyrights.
2. As explained in my first Declaration, my process to confirm Defendants' infringement includes using automated reverse image search engines, and each listed domain in its dropdown menu within its website to confirm Defendants' use of Wave's Copyrighted Works. Further, I use backlinks to various domains, including Defendants', to identify the country and the URL (Uniform Resource Locator), or unique address, where the image is being displayed.¹
3. Using the techniques described above, I have been able to identify and capture a screen shot of Wave's Copyrighted Works being used by Defendants as of the

¹ A reverse image search "is the act of searching the internet with an image rather than keywords." <https://www.semrush.com/blog/reverse-image-search/>. A backlink is defined as "a link created when one website links to another." <https://www.semrush.com/blog/what-are-backlinks/>.

date of this filing. I have compiled: (1) Wave's Copyrighted Work; (2) screenshots of trivago links to photographs of Wave's Copyrighted Works on websites that Defendants control; and (3) the Wave copyright registration that is being infringed.

4. The trivago Defendants promote and advertise the following hotels, with whom Wave and I have worked: The Setai Miami (USA), The Leela Goa (India), The Chedi Muscat (Oman), The Nam Hai Hoi An (Vietnam), The Chedi Chiang Mai (Thailand), The Datai Langkawi (Malaysia), The Andaman Langkawi (Malaysia), The Saujana Kuala Lumpur (Malaysia), Carcosa Seri Negara Kuala Lumpur (Malaysia), The Chedi Club Ubud (Bali) and The Lalu Sun Moon Lake (Taiwan).

5. As of today, trivago is using over 35 photographs on trivago's website that violate Wave's copyrights. This fact, however, is not the complete picture. I dug deeper into the trivago's content distribution network -- tools marketers use to distribute content far and wide. The trivago platforms for distribution house a library of Wave's photographs that are copyrighted. Wave's photographs are selected by trivago from trivago's library before going live on the trivago site - and they are rotated onto the site and off of the site at various points in time.

6. By way of example, as of the date of this filing, Exhibit 1 attached to this Supplemental Declaration, is a snapshot of some of the URLs, or unique addresses, on trivago's platforms for distribution. My work is ongoing and I have identified hundreds more links of Wave photographs that are copyright protected on trivago's platforms for distribution. The examples included in Exhibit 1, include:

(a) 4 trivago links to photographs of the Andaman Langkawi (Malaysia) hotel that violate Wave's copyright registration VA 1-432-331;

(b) 16 trivago links to photographs of the Carcosa Seri Negara Kuala Lumpur (Malaysia) hotel that violate Wave's copyright registration VA 1-432-332;

(c) 21 trivago links to photographs of The Chedi Club Ubud (Bali) hotel that violate Wave's copyright registration VA 1-432-329;

(d) 2 trivago links to photographs of The Chedi Club Ubud (Bali) hotel that violate Wave's copyright registration VA 1-825-429;

(e) 11 trivago links to photographs of The Chedi Club Ubud (Bali) hotel that violate Wave's copyright registration VA 1-432-329;

(f) 10 trivago links to photographs of The Chedi Chiang Mai (Thailand) hotel that violate Wave's copyright registration VA 1-432-326.

(g) 6 trivago links to photographs of The Datai Langkawi (Malaysia) hotel that violate Wave's Copyright registration VA 1-432-331;

(h) 5 trivago links to photographs of The Lalu Sun Moon Lake (Taiwan) hotel that violate Wave's Copyright registration VA 1-432-325;

(i) 24 trivago links to photographs of The Lalu Sun Moon Lake (Taiwan) hotel that violate Wave's Copyright registration VA 1-432-324;

(j) 72 trivago links to photographs of The Lalu Sun Moon Lake (Taiwan) hotel that violate Wave's Copyright registration VA 1-432-325;

(k) 59 trivago links to photographs of The Leela Goa (India) hotel that violate Wave's Copyright registration VA 1-432-329;

(l) 25 trivago links to photographs of the Chedi Muscat (Oman) hotel that violate Wave's Copyright registration VA 1-432-328;

(j) 26 trivago links to photographs of The Chedi Muscat (Oman) hotel that violate Wave's Copyright registration VA 1-432-332;

(k) 2 trivago links to photographs of The Chedi Muscat (Oman) hotel that violate Wave's Copyright registration VA 1-432-325;

(l) 18 trivago links to photographs of The Nam Hai Hoi An (Vietnam) hotel that violate Wave's Copyright registration VA 1-432-332;

(m) 32 trivago links to photographs of The Nam Hai Hoi An (Vietnam) hotel that violate Wave's Copyright registration VA 1-432-326;

(n) 2 trivago links to photographs of The Saujana Kuala Lumpur (Malaysia) hotel that violate Wave's Copyright registration VA 1-432-327;

(o) 15 trivago links to photographs of The Setai Miami (USA) hotel that violate Wave's Copyright registration VA 1-432-331;

(p) 8 trivago links to photographs of The Setai Miami (USA) hotel that violate Wave's Copyright registration VA 1-432-329;

(q) 4 trivago links to photographs of The Setai Miami (USA) hotel that violate Wave's Copyright registration VA 1-432-330;

(r) 10 trivago links to photographs of The Setai Miami (USA) hotel that violate Wave's Copyright registration VA 1-758-524;

(s) 2 trivago links to photographs of The Setai Miami (USA) hotel that violate Wave's Copyright registration VAu 1-057-927;

(t) 13 trivago links to photographs of The Setai Miami (USA) hotel that violate Wave's Copyright registration VA 1-432-332;

(u) 3 trivago links to photographs of The Setai Miami (USA) hotel that violate Wave's Copyright registration VAu 1-055-459; and

(v) 3 trivago links to photographs of The Club at The Legian Seminyak (Bali) that violate Wave's copyright VA 1-765-854.

7. In this example, I discovered over 350 individual URLs evidencing the trivago Defendants' use of Wave's photographs protected by Wave's copyright registrations. If the Court clicks on any of the trivago links in Exhibit 1, it will see the copyrighted Wave photograph pictured above the links. All 350 individual URLs are being housed on trivago's platforms for distribution.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 11, 2023, in Kuala Lumpur.

S/Lee Kar Yin
Lee Kar Yin